

EX 11.5

COPY OF PAPERS  
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PTO/SB/05 (11-90)

## PATENT APPLICATION TRANSMITTAL LETTER

Docket Number (Optional)

Case 1

To the Commissioner of Patents and Trademarks:

Transmitted herewith for filing is the patent application of Aleks Nikolichentitled Automated Supply Cart and SystemCOPY OF PAPERS  
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Enclosed are:

- ☐ 4 sheets of drawings.
- ☐ an assignment of the invention to \_\_\_\_\_
- ☐ executed declaration of the inventors.
- ☐ a certified copy of a \_\_\_\_\_ application.
- ☐ associate power of attorney.
- ☐ a verified statement to establish small entity status under 37 CFR 1.9 and 1.27.
- ☐ information disclosure statement
- ☐ preliminary amendment
- ☐ other: \_\_\_\_\_

## CLAIMS AS FILED

	NUMBER FILED	NUMBER EXTRA	RATE	FEE
BASIC FEE				
TOTAL CLAIMS	19 - 20 =	* 0	x \$20	
INDEPENDENT CLAIMS	3 - 3 =	* 0	x \$60	
MULTIPLE DEPENDENT CLAIM PRESENT			\$200	
* NUMBER EXTRA MUST BE ZERO OR LARGER			TOTAL	\$
If applicant has small entity status under 37 CFR 1.9 and 1.27, then divide total fee by 2, and enter amount here.			SMALL ENTITY TOTAL	\$ 370

- ☐ A check in the amount of \$ 370 to cover the filing fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below. I have enclosed a duplicate copy of this sheet.
- ☐ Charge the amount of \$ 370 as filing fee.
- ☐ Credit any overpayment.
- ☐ Charge any additional filing fees required under 37 CFR 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 CFR 1.18 at the mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).

✓ January 29, 2002

Date

Signature  
Paul H. Gallagher

Serial No 10/077,732



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Applicant: Aleks Nikolic  
Title: Automated Supply Cart  
and System  
Case 1

DAE

PTO

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JUN 20 2002

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LETTER

REQUEST TO ESTABLISH FILING DATE

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
BEING DEPOSITED WITH THE UNITED STATES  
POSTAL SERVICE AS FIRST CLASS MAIL IN AN  
ENVELOPE ADDRESSED TO: COMMISSIONER OF  
PATENTS AND TRADEMARKS, WASHINGTON, D.C.  
20231, ON 6-18-02  
*Paul H. Gallagher*  
PAUL H. GALLAGHER

The purpose of this letter is to establish the filing date of  
the above application.

The surrounding circumstances were caused by the anthrax  
catastrophe in the Patent Office.

Briefly, what is involved is that two identical copies of the  
application were filed: one (first copy) in October 2001, and the  
other (second copy) in January or February 2002, neither of which  
was accorded a filing date by the Patent Office. Both are related  
to a previously filed provisional application which will be  
significant in establishing the filing date requested. See  
attached exhibit 1a indicating the filing date of that  
application, which was on or about 2-23-01.

The details are fully set out below.

1. I am the attorney for applicant, and for convenience this  
letter is written in the first person. I prepared an application  
(first copy) identified above, and the applicant executed it on

October 7, 2001. Attached hereto and marked exhibit 1 is a print of the Declaration (page 2) constituting a part of that application showing that date of execution.

2. I sent the first copy to the Patent Office within a day or two after the date of its Execution (October 7, 2001).

3. I make it a practice to send with every application to the Patent Office, a return postcard, to be stamped by the Patent Office showing receipt of the application.

Attached hereto is exhibit 2 which includes a print of return postcard bearing a receipt date of 02/19/02. The postcard has a hole therethrough which appears to be produced by the card sticking to some other item. I believe that this postcard is the one I sent with the first copy to the Patent Office, which occurred within a few days following the date 10/7/01.

4. Also enclosed is exhibit 3 which is a print of a check (first check) Number 2048, dated 10/16/01 for the amount of \$370.00.

This check bears the identity of the filing fee for Nikolich Case 1. It appears that this check was cashed by the Patent Office on March 6, 2002. This of course indicates delay in processing the application, and also can indicate the delay in processing the postcard, (exhibit 2), which is believed to have been sent with the application.

5. On November 29, 2001 I called the Patent Office and asked whether the above application was filed, and the respondent said that because of the anthrax catastrophe, the applications, and various papers in the Patent Office, were "completely mixed up" and still further stated that they (the Patent Office) "are still digging them out" and that they would inform me when the application was found.

6. After realizing that delays were occurring regularly throughout a long period of time, and that I had not received the return postcard in the case, I called the Patent Office on December 14, 2001 and inquired whether the above application was filed. The person in the Patent Office said that it had not been filed and that "the applications are coming back slowly," that is, they were sent out for decontamination because of the anthrax catastrophe.

In further discussion with the person on the phone, that person said not to send in a new substitute application, but to wait for this one (the first one) to be returned to the Patent Office from the decontamination treatment. She further said that she would call me when it does come in.

7. Also enclosed is exhibit 5, a Declaration by Applicant.

Following instructions from applicant Aleks Nikolich, as stated in that declaration, I prepared a copy of the application (the second copy) which was identical with the original

application sent for filing in October 2001.

Enclosed is exhibit 5, which is a copy of my "Patent Application Transmittal Letter" so transmitting the second copy to the Patent Office. That letter is dated January 29, 2002, and thus follows in sequence, the conversation with Mr. Nickolich referred to.

Unusual precautions were taken to assure the second copy being received in the Patent Office.

Accordingly, I transmitted the second copy of the application to the Patent Office by certified mail in the Post Office.

8. Attached hereto is exhibit 6, including prints of three slips (a)(b)(c) issued by the Post Office, showing mailing and receipt of the second copy in the Patent Office. Slip 6(a) shows that the Post Office received the letter on January 29, 2002. Slip 6(b) is a certified mail receipt showing that it was received in the Post Office on 01/29/02. Slip 6(c) shows the return receipt from the Post Office in Washington D.C., showing that the package was delivered to the Commissioner of Patents and Trademarks on Feb. 19, 2002.

Attention is directed to exhibit 7 including a print of check number 2082 (second check) dated 01/29/02. The amount of the check is \$370.00, and the check bears identification of the intended purpose, namely "Nikolich filing fee".

This check was cashed by the Patent Office, apparently on February 26, 2002, according to my understanding of the printed

stamping on the reverse side of the check.

Attention is directed to exhibit 8 which is a print of statement claiming Small Entity Status. This was dated January 25, 2002 and accompanied the second copy of the application to the Patent Office.

Exhibit 9 is a print of a postcard returned by the Patent Office and bearing a receipt date of "02/27/02".

Note is to be made of the conflict of dates on the postcards of exhibits 2 and 9.

All of this material is obviously related to the filing of the first copy of the application, in October 2001. Both of the return postcards, exhibits 2 and 8 bear messages which, while not identical, are nearly so and obviously refer to the same application, namely, Nikolich, Case 1.

Based on the material set out above, applicant believes he is entitled to a filing date of within a few days following the date of the first check (10-16-01). Applicant advisedly uses the expression "few days" because at that time the proceedings in the Patent Office were slowed down because of the anthrax episode and the application would not be entered and given a filing date as soon as in normal times.

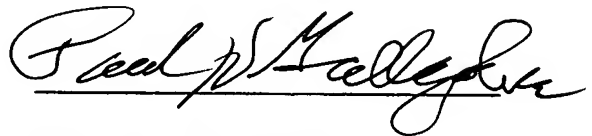
In further consideration of the matter, applicant believes he is entitled to a filing date the same as that of the provisional application, namely February 23, 2001. On this point, reference is made to 37 CFR Sect. 1.53 (C) (3).

Under that provision a non-provisional application containing the invention of the provisional application is entitled to the filing date of the provisional application.

Accordingly applicant requests

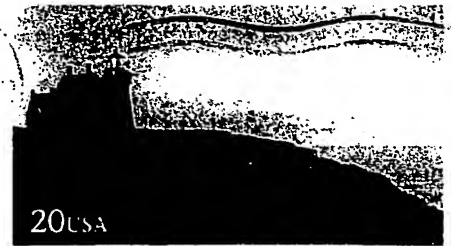
- (a) the Patent Office to accord the filing date of February 23, 2001 and
- (b) the return amount of one filing fee (\$370.00).

Respectfully,

A handwritten signature in cursive script, reading "Paul H. Gallagher", written in dark ink.

Paul H. Gallagher  
Attorney for Applicant  
2439 Jackson Ave.  
Evanston, IL 60201

Tel: 847,328,7519



EXH. 2

**PAUL H. GALLAGHER**  
2439 JACKSON AVENUE  
EVANSTON, ILLINOIS 60201

50201/2278

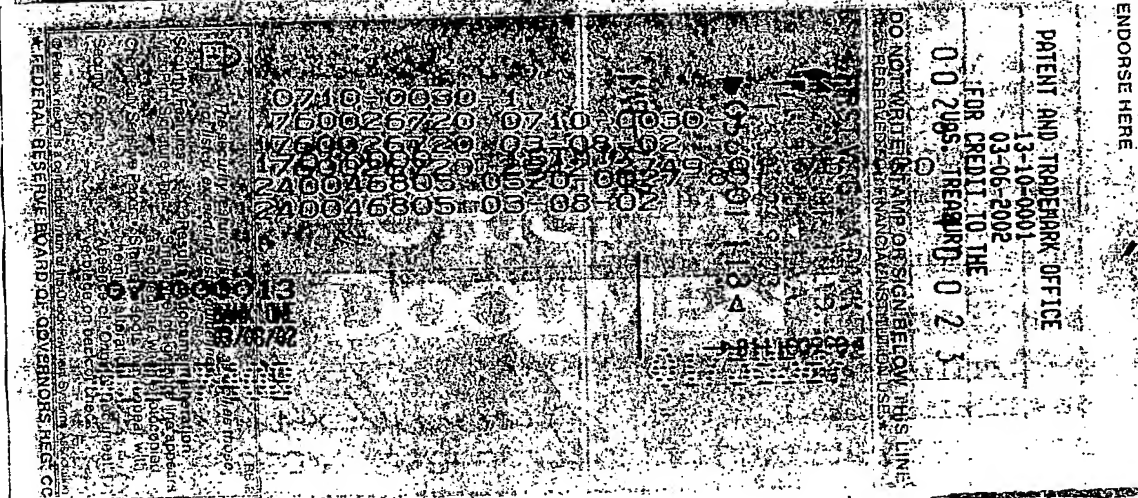
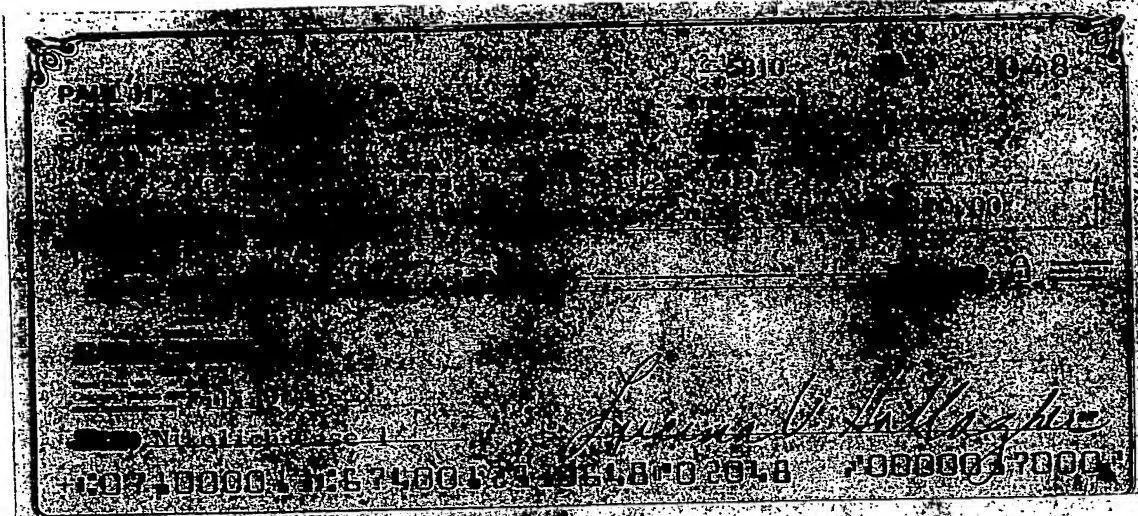
The stamp of the Patent Office hereon indicates receipt of application of Aleks Nikolic, for patent on Automated Supply Cart and System, Case 1.

J1040 U.S. PTO  
10/077732  
02/19/02

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EXH. 3.



ENDORSE HERE

PATENT AND TRADEMARK OFFICE

13-10-001

03-06-2002

FOR CREDIT TO THE

002065 FREQUENT 0 2 3

DO NOT WRITE IN AMP OR SIGN BELOW THIS LINE  
RESERVED FOR MANUFACTURING USE

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JUN 20 2002

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EXH. 6.

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2. Article Number  
(Transfer from service label)  
PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

*Commissioner of  
Patents & Trademarks  
Washington, DC*  
20231

1. Article Addressed to:
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
  - Print your name and address on the reverse so that we can return the card to you.
  - Attach this card to the back of the mailpiece, or on the front if space permits.

SENDER: COMPLETE THIS SECTION

3. Service Type
- ☐ Certified Mail
  - ☐ Registered
  - ☐ Express Mail
  - ☐ Return Receipt for Merchandise

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

D. Is delivery address different from item 1? ☒ Yes ☐ No

If YES, enter delivery address below:

USPIO MAIL CENTER  
FEB 19 2002

DEBB 5556 2000 046T 1002

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Only: No Insurance Coverage Provided)

WASHINGTON, DC 20231

Postage	\$ 1.49	UNIT ID: 0201
Certified Fee	2.10	
Return Receipt Fee (Endorsement Required)	1.50	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 5.09	Postmark Here Clerk: KDGDTX 01/29/02

Sent To  
*Commissioner of Patents & Trademarks*  
Street, Apt. No., or PO Box No. *Washington, D.C.*  
City, State, ZIP+ 4 *20231*  
PS Form 3800, January 2001 See Reverse for Instructions



\*\*\*\*\* WELCOME TO \*\*\*\*\*  
EVANSTON N. STATION PO  
EVANSTON, IL 60201-2287  
01/29/02 01:36PM

Store USPS Wkstn sys5003  
Cashier's Name MIKE  
Stock Unit Id MIKEWIND  
PO Phone Number 847-328-6201

1. First Class 3.38  
Destination: 20231  
Weight: 6.00oz  
Postage Type: PVI  
Affix. Post.: -1.71  
Total Cost: 5.09  
Base Rate: 1.49  
SERVICES  
Certified Mail 2.10  
70011940000795559930  
Return Receipt 1.50

Subtotal 3.38  
Total 3.38

Cash 3.40  
Change Due 0.02  
Cash

Number of Items Sold: 1

Thank You  
Please come again!

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EXH 6.

